

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL GRECCO PRODUCTIONS, INC.,

Plaintiff,

-against-

ALAMY INC.,

Defendant.

Civil Action No. 18-cv-03260-PKC-JO

PLAINTIFF'S NOTICE OF TAKING RULE 30(b)(6) DEPOSITION OF DEFENDANT

Plaintiff, Michael Grecco Productions, Inc., by and through its undersigned counsel and pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure hereby gives notice of taking the deposition of Defendant, Alamy Inc.'s corporate representative(s) designated to testify in connection with the issues identified in the attached **Schedule Of Rule 30(b)(6) Deposition Topics**.

The deposition will be taken upon oral examination before a Notary Public or officer authorized by law to take depositions in the State of New York commencing at **10:00 a.m. on June 24, 2019 and continuing between 9:00 a.m. and 12:30 p.m. on June 25, 2019 at the offices of Duane Morris LLP, 1540 Broadway, New York, NY 10036-40861.**

This deposition will be taken for the purposes of discovery for use at trial, or for such other purposes as are permitted under the Federal Rules of Civil Procedure. The deposition will be recorded by stenographic means. The deposition shall continue from day-to-day until completed.

Dated: June 11, 2019
New York, New York

DUANE MORRIS LLP

/s/ Steven M. Cowley

Steven M. Cowley (*Pro Hac Vice*)

100 High Street, Suite 2400

Boston, MA 02110-1724

Telephone: 857-488-4261

Facsimile: 857-401-3090

Email: SMCowley@duanemorris.com

Jovalin Dedaj

1540 Broadway

New York, NY 10036-4086

Telephone: 212-471-4760

Facsimile: 212-208-4642

Email: JDedaj@duanemorris.com

Attorneys for Plaintiff

Michael Grecco Photography, Inc.

SCHEDULE OF RULE 30(b)(6) DEPOSITION TOPICS

Definitions:

A. The term “Plaintiff” as used herein refers to the Plaintiff Michael Grecco Productions, Inc. in the above-captioned action.

B. The term “Defendant” as used herein refers to the Defendant Alamy Inc., and any division, corporate parent, subsidiary, affiliate, licensee, franchisee, successor, predecessor in interest, assignee, fictitious entity, holding company, or other related business entity, and any current or former director, officer, employee, agent, representative, or other person acting or purporting to act on behalf of any such entity.

C. The terms “You” and “Your” as used herein refer to Defendant, as defined above.

D. The term “Litigation” as used herein refers to the litigation captioned as *Michael Grecco Productions, Inc. v. Alamy Inc.*, Civil Action No. 18-cv-03260-PKC-JO, which is currently pending in the United States District Court for the Eastern District of New York.

E. The term “Complaint” as used herein shall mean the Complaint filed by Plaintiff in this Litigation on June 4, 2018.

F. The term “Copyrighted Works At Issue” as used herein refers to the twenty-three photographic images copied and displayed in Exhibit A to the Plaintiff’s First Request For Production of Documents, with each image in that Exhibit A being a “Copyrighted Work At Issue.”

G. The term “concerning” as used herein means relating to, referring to, describing, evidencing, showing, constituting and/or documenting.

H. The term “Person” means a natural person, partnership, corporation, affiliation,

combination or other association of natural and legal persons without limitation.

I. The term “Website” as used herein refers to the website located at <http://www.alamy.com> and all versions of the website from January 1, 2016 through the present.

J. Topics 1 – 9 and 22 - 28 seek all responsive Documents dated or created or received anytime between January 1, 2016 through the present, and continuing pursuant to Defendant’s obligation to supplement its Responses. Topics 10 - 22, as they relate to each Copyrighted Work At Issue, seek all responsive Documents applicable to that Copyrighted Work At Issue from the date that the first reproduction, distribution, public display, or other use of the Copyrighted Work was made through the present, and continuing pursuant to Defendant’s obligation to supplement its Responses. Those applicable beginning dates are known to the Defendant, but not the Plaintiff.

TOPICS:

1. Defendant's corporate and legal structure, including without limitation the identification of parent companies, divisions, subsidiaries, affiliates, trade names, fictitious entities, holding companies, related business entities and/or current directors and officers, as it existed at any time between January 1, 2016 and the present.

2. The identification of each officer, director, employee and contractor of Alamy Inc. that also held a position (*e.g.*, officer, director, employee or contractor) with Alamy Ltd., and the identification of each job title and the actual responsibilities (at each company) of each such Person.

3. The terms of any agreement between Alamy Ltd. and Alamy Inc. in existence at any time between January 1, 2016 and the present.

4. Identification of all corporate functions (*e.g.*, and without limitation, payroll, accounting, information technology, human resources, legal, or similar responsibilities) for the operation of Alamy Inc. performed by Alamy Ltd. officers, directors, or employees.

5. Explanation of how Alamy Ltd. has been compensated, or Alamy Inc. has been charged, for the corporate functions performed by Alamy Ltd. referenced in Request No. 5.

6. Identification of all corporate functions (*e.g.*, and without limitation, payroll, accounting, information technology, human resources, legal, or similar responsibilities) for the operation of Alamy Ltd. performed by Alamy Inc. officers, directors, or employees.

7. Explanation of how Alamy Inc. is compensated, or Alamy Ltd. is charged, for any of the corporate functions performed by Alamy Inc. referenced in Request No. 7.

8. Quantification and description of all revenue received, or credited to, Alamy Inc. as a result of the license of any photographic image displayed on the Website.

9. Identification and explanation of the goods or services provided by Alamy Inc. that resulted in the revenue referred to in Request No. 9.

10. The facts and circumstances concerning the reproduction of each of the Copyrighted Works At Issue.

11. Identification of all Persons who played any role in the reproduction of each of the Copyrighted Works At Issue and a description of the role played.

12. The facts and circumstances concerning the public display of each of the Copyrighted Works At Issue.

13. Identification of all Persons who played any role in the public display of each of the Copyrighted Works At Issue and a description of the role played.

14. The facts and circumstances concerning the distribution, including without limitation any transfer of any electronic or physical copy, of each of the Copyrighted Works At Issue, including but is not limited to the transfer of any of the Copyrighted Works At Issue between or among Alamy Ltd. and Alamy Inc.

15. Identification of all Persons who played any role in the distribution, including without limitation any transfer of any electronic or physical copy, of any of the Copyrighted Works At Issue, including but not limited to the transfer of any of the Copyrighted Works At Issue between or among Alamy Ltd. and Alamy Inc, and a description of the role played.

16. Identification of any license applicable to each of the Copyrighted Works At Issue in which Alamy Ltd. or Alamy Inc. is a licensee.

17. Identification of any license applicable to each of the Copyrighted Works At Issue in which Alamy Ltd. or Alamy Inc. is a licensor.

18. The facts and circumstances of any and all transfers of money paid for each of the

licenses referred to in Topic 17.

19. The facts and circumstances related to the holding out, or offering, each of the Copyrighted Works At Issue for a potential license, or other permission to use.

20. Identification of the source of each of the Copyrighted Works At Issue.

21. The facts and circumstances of any modification to, alteration to, cropping of, addition of any watermark or metadata to, or removal of any watermark or metadata from, each of the Copyrighted Works At Issue after it was obtained or received from its source.

22. Identification of all Persons who played any role in any of the actions referenced in Topic No. 21 and a description of the role played.

23. Identification of the insurance coverage applicable, in whole or in part, to claims arising out of operation of the Website and the identification of all insureds covered by those insurance policies.

24. The facts and circumstances concerning each assertion of copyrights, or demand for a fee or other payment, by Alamy Ltd. or Alamy Inc. against, or communicated to, any other Person that relates to the Person's reproduction, display, distribution, or other use of any photographic image displayed on the Website.

25. Identification of each officer, director, employee or contractor, by name and employer, who had password access, or other ability, to post or delete content to or from the Website other than the officers, directors, employees or contractors who had the same ability to post content on the "Our Blog" section of the Website that was extended to users of the Website generally.

26. Identification of each officer, director, employee or contractor, by name and employer, identified to the domain registrar for the Website as a representative with authority to

make changes to the account information for that domain.

27. Identification and explanation of the policies and practices applicable to the posting of content to the Website by officers, directors, employees or contractors for Alamy Ltd. and / or Alamy Inc. that were in effect at any time between January 2, 2016 and the present.

28. Identification and explanation of the policies and practices applicable to the removal of content from the Website by officers, directors, employees or contractors for Alamy Ltd. and / or Alamy, Inc. that were in effect at any time between January 2, 2016 and the present.

29. The Documents referenced in Sections B 1 i and B 1 ii of Defendant Alamy Inc.'s Initial Disclosures.

CERTIFICATE OF SERVICE

I hereby certify that, on June 11, 2019, a copy of the foregoing Plaintiff's Notice Of Taking Rule 30(b)(6) Deposition Of Defendant was served on the following parties by email and U.S. mail:

Nancy E. Wolff, Esq.
Marissa Lewis, Esq.
Cowan, DeBaets, Abrahams & Sheppard LLP
41 Madison Avenue, 38th Floor
New York, New York 10010

Attorneys for Defendant Alamy Inc.

/s/ Steven M. Cowley
STEVEN M. COWLEY